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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/863,706

05/22/2001

Shawn R. Gettemy

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07/12/2004

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,706

Applicant(s)

GETTEMY ET AL. 

Examiner

Jennifer T Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to amendment filed on 04/26/2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 11-14, and 16-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts (Pub. No. US 2002/0149571).

Regarding claims 1, 16 and 22, referring to Fig. 7C, Roberts teaches a display assembly for a handheld electronic device comprising: a display mechanism (401); a plurality of pressure activated sensors (106); a single-piece bezel-less top cover (108C) to allow mechanical transfer between said top cover and said plurality of pressure activated sensors, wherein said pressure activated sensors () can be activated by mechanical pressure applied to the external surface of said single-piece bezel-less cover [0084]-[0086], [0127].

Regarding claim 2, Roberts further teaches the display mechanism (401) is disposed beneath the single-piece bezel-less top cover (108C) and above said plurality of pressure activated sensors (106) [0084]-[0086], [0127].

Regarding claim 3, Roberts further teaches said display mechanism (401) is in direct contact with said plurality of pressure activated sensors (106) [0084]-[0086], [0127].

Regarding claim 4, Roberts further teaches a fixed electronic circuit layer (105) and the pressure activated sensors (106) are disposed between said circuit layer (105) and said display mechanism (401) [0084]-[0086], [0127].

Regarding claims 5, 17, 21, and 25, Roberts further teaches a transparent flexible thermoplastic outer film and supporting structure that is co-molded to said transparent flexible thermoplastic outer film [0141].

Regarding claims 6 and 18, Roberts further teaches the transparent flexible thermoplastic outer film has sufficient deflection under external pressure to apply mechanical pressure to said display mechanism which applies pressure to said plurality of pressure activated sensors [0141].

Regarding claims 8, 14, 19 and 24, Roberts further teaches the single-piece bezel less top cover is a flat top surface free of any indentation (Fig. 7C of Roberts).

Regarding claim 11, Roberts further teaches a back cover (104) [0084]-[0086], [0127].

Regarding claims 7 and 13, Roberts further teaches the plurality of pressure activated sensors (106) are operable to register a position where contact is made with said transparent flexible thermoplastic outer film (108C) [0084]-[0086], [0127].

Regarding claims 9, 20 and 23, Roberts further teaches an accelerometer (115) operable to identify the parameters of a valid input event [0095].

Regarding claim 12, Roberts further teaches single-piece bezel-less top cover has sufficient range of motion to allow mechanical transfer between said top cover and said plurality of pressure activated sensors [0084]-[0086], [0127].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (Pub. No. US 2002/0149571) in view of Robsky et al. (US Patent No.: 5,838,309).

Regarding claim 10, Roberts differs from claim 10 in that he does not specifically teach single-piece bezel-less top cover is a transparent rigid cover. However, Robsky teaches a single-piece bezel-less top cover is a transparent rigid cover (col. 3, lines 52-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the single-piece bezel-less top cover is a transparent rigid cover as taught by Robsky in the system of Roberts in order to improve the display device with easily and efficiently touching.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (Pub. No. US 2002/0149571) in view of McIntyre et al. (U.S. Patent No. 6,630,928).

Regarding claim 15, Roberts differs from claim 15 in that he does not specifically teach the single-piece bezel-less top cover has indentations to indicate button functions. However, McIntyre teaches areas (2) indicate button functions (col. 5, lines 29-47). Although McIntyre does not teach the area (2) is indentation. However, it would have been obvious to obtain the area is indentation in order to touch the functional buttons easily and efficiently. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2674

incorporate the indentations indicate button functions as taught by McIntyre in the system of Roberts in order to improve the display device with easily and efficiently touching the functional buttons.

7. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

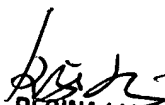
Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

JNguyen
7/7/2004


REGINA LIANG
PRIMARY EXAMINER